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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/336,933	06/21/1999	MARK C. LEIFER	015685-024	8251

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EXAMINER

TRAN, PABLO N

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/336,933

Applicant(s)

LEIFER ET AL.

Examiner

Pablo N Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 November 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,8-18,20,21,27-32,38-47 and 52-55 is/are rejected.
- 7) ☐ Claim(s) 3-7,19,22-26,33-37 and 48-51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 8-18, 20-21, 27-32, 38-47, and 52-55 are rejected under 35 U.S.C. 102(e) as being anticipated by *Robbins et al.* (5,973,638).

As per claims 1 and 31, *Robbins et al.* disclosed an apparatus for processing a set of received signals received from an antenna array of a wireless station or for processing a signal for transmission by from the antenna array, the apparatus comprising:

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- a processor configured to compute a smart antenna processing strategy from a set of received signals to apply to received signals to determine an estimate of a user signal transmitted by a remote user or to apply to a signal for transmission to transmit the transmission signal to the remote user (fig. 1,2, col. 18/ln. 35-col. 19/ln. 10);

- a mechanism configured to modify the smart antenna processing strategy computed by the strategy computation process by incorporating interferer signature data for each of one or more interferers, each interferer characterized by a signature data related to the signature of each of the interferers, such that the modified smart antenna processing strategy, if a downlink strategy applied on the downlink, decrease the transmitted strength in the direction of the one or more interferers, and if an uplink strategy applied on the uplink, decreases the sensitivity to signals from the direction of the one or more interferers (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col.23/ln 44-col. 24/ln. 67).

As per claims 2 and 32, *Robbins et al.* further disclosed wherein the modifying mechanism (b) further comprises:

- forming a combination as a function of the set of received data and interferer signature data for each of the interferers related to the signature each of the interferers, the combination incorporating the interferer signature data such that a smart antenna processing strategy is computed using the provided computation process with the formed combination as input, decrease the transmitted strength in the direction of the one or more interferers if a downlink strategy, and if an uplink strategy, decreases the

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sensitivity to signals from the direction of the one or more interferers (fig.

1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col.

24/ln. 67); and

- computing the smart antenna processing strategy by using the provided computation process with the combination formed in step (b) as input (fig.

1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col.

24/ln. 67).

As per claims 8 and 38, *Robbins et al.* further disclosed wherein the combiner is further configured to combine the set of received data and an amount of a set of supplementary signal data determined from each interferer signature to form a combination signal data (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 9 and 39, *Robbins et al.* further disclosed wherein the amount is an adjustable amount defined by an adjustable parameter (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 10 and 40, *Robbins et al.* further disclosed wherein the adjustable parameter for any interferer is selected to be a number sufficiently large to ensure that the carrier to interference ratio (CIR) of the constituent parts of the combination signal data is small (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 11 and 41, *Robbins et al.* further disclosed wherein when the modified strategy is applied in the downlink the adjustable parameter for any interferer is

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selected to minimize total transmit power while the signal quality experienced by the remote user and at least one of the interferers meets or exceeds some prescribed quality of service (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 12 and 42, *Robbins et al.* further disclosed wherein when the modified strategy is applied in the downlink, the adjustable parameter for any respective interferer that is a co-channel user is selected to approximately maintain the same ratio of interferer power to remote user signal power in the combination signal data as the ratio of respective interferer power to remote user transmit power used to transmit to the respective interferer and the remote user, respectively (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 13 and 43, *Robbins et al.* further disclosed wherein the set of supplementary signal data determined from the interferer signature data includes random samples formed from the interferer signature data (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 14 and 44, *Robbins et al.* further disclosed wherein the combiner forms a sum of the set of received data and the amount of the set of supplementary signal data determined from each interferer signature (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 15 and 45, *Robbins et al.* further disclosed wherein the combiner is further configured to perform a matrix factorization of the first set of received data

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and the signature data and to combine the resulting factors (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 16 and 46, *Robbins et al.* further disclosed (d) estimating the signature of at least one of the one or more interferers to form the interferer signature data for the respective interferer (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67)..

As per claims 17, *Robbins et al.* further disclosed wherein step (d) of estimating determines the maximum likelihood estimate of a particular interferer signature assuming no remote user signal and no other interferer signals are present (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 18, *Robbins et al.* further disclosed wherein step (d) of estimating determines the maximum likelihood estimate of a particular interferer signature assuming the remote user signal and all other interferer signals are present (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 20 and 47, *Robbins et al.* further disclosed wherein the interferer signature data for at least one of the one or more interferers includes a known signature for the respective interferer (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claim 21, *Robbins et al.* further disclosed applying the determined smart antenna processing strategy to process a signal for transmission to the remote user (fig.

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1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 27 and 52, *Robbins et al.* further disclosed wherein applying the smart antenna processing strategy includes applying a set of weights, and wherein the smart antenna processing strategy computation process computes the set of weights and the step of modifying produces a modified set of weights (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 28 and 53, *Robbins et al.* further disclosed wherein the interferers are other remote users of the wireless station each having a corresponding weight for receiving from or transmitting to the wireless station, and wherein the modifying mechanism is configured to, for each weight of the set of weights corresponding to the remote user, for each interferer, add a constant multiplied by the corresponding weight for receiving from or transmitting to the interferer (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 29 and 54, *Robbins et al.* further disclosed wherein the constant for any interferer is selected to force the modified set of weights to be substantially orthogonal to the interferer signature (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

As per claims 30 and 55, *Robbins et al.* further disclosed wherein the constant for any interferer is selected such that when the modified strategy is applied on the downlink the total transmit power is minimized while the signal quality experienced by the remote user and at least one of the interferers meets or exceeds some prescribed

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quality of service (fig. 1,8,9A,9B,10A,10B, col. 18/ln. 25-58, col. 21/ln. 17-col. 22/ln. 28, col. 23/ln. 44-col. 24/ln. 67).

Allowable Subject Matter

3. Claims 3-7, 19, 22-26, 33-37, and 48-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barratt et al. (5,592,490), Robbins et al. (5,973,638), Soliman (5,675,581), Scherzer (6,108,565), Liu et al. (5,905,721), Dean (5,565,873), Xu et al. (6,005,854), Shattil (5,955,992), Smith et al. (6,009,124), Parish (6,023,203) disclose base station antenna arrangement.

5. All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action. Accordingly, THIS ACTION IS MADE FINAL even though it is a first action after the filing under 37 CFR 1.53(d). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached at (703)308-6732.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

December 28, 2001

Pablo Tran


Examiner, Art Unit 2684


DANIEL HUNTER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600